## IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JOHN D. RUDD, and	)	
DEBRA A. GONZALEZ,	)	
77. 4 .400	)	
Plaintiffs,	) Case No. 3:08-0240	
	)	
vs.	)	
	) Judge Echols	
CHUBB NATIONAL	)	
INSURANCE COMPANY	) Magistrate Judge Griff	in
	)	
Defendant.	, )	

## PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.01, Plaintiffs move the Court for judgment in their favor on the grounds that no genuine issue exists as to any material fact and they are entitled to judgment in their favor as a matter of law. This Plaintiffs seek a declaratory judgment construing the "extended replacement cost" provision of an insurance policy issued by Defendant and insuring a residence owned by Plaintiffs. This case presents a legal question of first impression in Tennessee law regarding the legal interpretation of "extended replacement cost" provision of the insurance policy.

The Plaintiffs simultaneously file and rely upon:

- 1. A State of Material Facts pursuant to Local Rule 56.01(b); and
- 2. A Memorandum Brief.

Respectfully Submitted:

EduN A Halley

Edward A. Hadley, #16717 NORTH, PURSELL, RAMOS & JAMESON, PLC 414 Union Street Bank of America Plaza, Suite 1850 Nashville, Tennessee 37219-1783 (615) 255-2555 Attorney for PlaintiffS John D. Rudd and Debra A. Gonzalez

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document has been served through the Court's Electronic Court Filing System (CM/ECF) upon:

William B. Jakes, III HOWELL & FISHER, PLLC Court Square Building 300 James Robertson Parkway Nashville, Tennessee 37201 (615) 244-3370 Attorney for Defendant

on this the 29<sup>th</sup> day of May, 2008.

Edward A. Hadley

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